

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-02570-TNM**

HUMANE SOCIETY OF THE UNITED STATES v. UNITED  
STATES DEPARTMENT OF AGRICULTURE et al  
Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/30/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**HUMANE SOCIETY OF THE  
UNITED STATES**

represented by **Daniel H. Waltz**  
ANIMAL LEGAL DEFENSE FUND  
525 E. Cotati Avenue  
Cotati, CA 94931  
(707) 795-2533 Ext. 1066  
Email: [dwaltz@aldf.org](mailto:dwaltz@aldf.org)  
*TERMINATED: 04/05/2018*  
*LEAD ATTORNEY*

**Peter A. Brandt**  
HUMANE SOCIETY OF THE UNITED  
STATES  
Animal Protection Litigation  
1255 23rd Street, NW  
Suite 450  
Washington, DC 20037  
(240) 388-5023  
Fax: (202) 778-6134  
Email: [pbrandt@humanesociety.org](mailto:pbrandt@humanesociety.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Margaret E. Robinson**  
HUMANE SOCIETY OF THE UNITED  
STATES  
Animal Protection Litigation  
1255 23rd Street, NW  
Suite 450  
Washington, DC 20037  
(202) 676-2369  
Email: [mrobinson@humanesociety.org](mailto:mrobinson@humanesociety.org)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES DEPARTMENT  
OF AGRICULTURE**

represented by **Claire M. Whitaker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2526  
Fax: (202) 252-2505  
Email: [claire.whitaker@usdoj.gov](mailto:claire.whitaker@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Melanie Dyani Hendry**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA

555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2510  
 Fax: (202) 252-2599  
 Email: [melanie.hendry2@usdoj.gov](mailto:melanie.hendry2@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Fred Elmore Haynes**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2550  
 Email: [fred.haynes@usdoj.gov](mailto:fred.haynes@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**FARM SERVICE AGENCY**

represented by **Claire M. Whitaker**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Melanie Dyani Hendry**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Fred Elmore Haynes**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/30/2017	<u>1</u>	COMPLAINT against FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE ( Filing fee \$ 400 receipt number 0090-5228052) filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Agency – USDA, # <u>3</u> Summons Agency – FSA, # <u>4</u> Summons Attorney General, # <u>5</u> Summons US Attorney for DC)(Lutz, Daniel) (Entered: 11/30/2017)
11/30/2017	<u>2</u>	Corporate Disclosure Statement by HUMANE SOCIETY OF THE UNITED STATES. (Lutz, Daniel) (Entered: 11/30/2017)
12/04/2017	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE <i>with Corrected Summons Attached</i> filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Corrected USDA Summons, # <u>2</u> Corrected Farm Service Agency Summons, # <u>3</u> Corrected Attorney General Summons, # <u>4</u> Corrected US Attorney Summons)(Lutz, Daniel) (Entered: 12/04/2017)
12/05/2017		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 12/05/2017)
12/05/2017	<u>4</u>	SUMMONS (4) Issued Electronically as to FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 12/05/2017)
12/15/2017	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/15/2017. (lctnm3) (Entered: 12/15/2017)
12/18/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2017. Answer due for ALL FEDERAL DEFENDANTS by 1/11/2018. (Lutz, Daniel) (Entered: 12/18/2017)

12/18/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/12/2017. (Lutz, Daniel) (Entered: 12/18/2017)
12/18/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 12/11/2017 (Lutz, Daniel) (Entered: 12/18/2017)
01/11/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE.(Whitaker, Claire) Modified to add link on 1/12/2018 (znmw). (Entered: 01/11/2018)
01/12/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before February 2, 2018. Signed by Judge Trevor N. McFadden on 1/12/2018. (lctnm3) (Entered: 01/12/2018)
01/12/2018		Set/Reset Deadlines: Parties shall meet and confer and file a Joint Status Report by 2/2/2018. (hmc) (Entered: 01/12/2018)
01/31/2018	<u>10</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/31/2018)
02/01/2018		MINUTE ORDER granting Defendants' <u>10</u> Consent Motion for Extension of Time. The parties shall now file a Joint Status Report on or before February 16, 2018. The parties are advised that further requests for an extension of time for this filing will be disfavored, and are directed to comply with the Court's Standing Order, including the provisions governing motions for extensions of time. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/1/2018. (lctnm3) (Entered: 02/01/2018)
02/01/2018		Set/Reset Deadlines: Joint Status Report due by 2/16/2018. (hmc) (Entered: 02/01/2018)
02/16/2018	<u>11</u>	Joint STATUS REPORT by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 02/16/2018)
02/16/2018	<u>12</u>	ORDER setting schedule for proceedings in this case. See Order for details. Signed by Judge Trevor N. McFadden on 2/16/2018. (lctnm3) Modified on 2/21/2018 (hmc). (Entered: 02/16/2018)
02/20/2018		Set/Reset Deadlines: Joint Status Report due by 4/27/2018. (hmc) (Entered: 02/20/2018)
04/05/2018	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Peter A. Brandt on behalf of All Plaintiffs Substituting for attorney Daniel Lutz (Brandt, Peter) (Entered: 04/05/2018)
04/27/2018	<u>14</u>	Second STATUS REPORT ( <i>Joint</i> ) by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Whitaker, Claire) (Entered: 04/27/2018)
04/30/2018		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on May 29, 2018, file a further Joint Status Report proposing a schedule for proceeding in this matter, including, if necessary, a briefing schedule for dispositive motions. Signed by Judge Trevor N. McFadden on 4/30/2018. (lctnm3) (Entered: 04/30/2018)
04/30/2018		Set/Reset Deadlines: A further Joint Status Report due by 5/29/2018. (hmc) (Entered: 04/30/2018)
05/22/2018	<u>15</u>	Consent MOTION for Extension of Time to File <i>the Next Joint Status Report</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF

		AGRICULTURE (Haynes, Fred) (Entered: 05/22/2018)
05/23/2018		MINUTE ORDER granting Defendants' <u>15</u> Consent Motion for Extension of Time. The parties' Joint Status Report shall now be due before or on June 13, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/22/2018. (lctnm3) (Entered: 05/23/2018)
05/23/2018		Set/Reset Deadlines: Joint Status Report due by 6/13/2018. (hmc) (Entered: 05/23/2018)
06/13/2018	<u>16</u>	Joint STATUS REPORT by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Text of Proposed Order)(Brandt, Peter) (Entered: 06/13/2018)
06/13/2018		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report before or on July 13, 2018. It is also ORDERED that prior to signing any future filings on behalf of the Defendants, Ms. Hendry shall enter an appearance in this matter. Signed by Judge Trevor N. McFadden on 6/13/2018. (lctnm3) (Entered: 06/13/2018)
06/14/2018		Set/Reset Deadlines: Joint Status Report due by 7/13/2018. (hmc) (Entered: 06/14/2018)
07/13/2018	<u>17</u>	Joint STATUS REPORT by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/13/2018)
07/17/2018	<u>18</u>	SCHEDULING ORDER setting briefing schedule in response to parties' <u>17</u> Joint Status Report and Proposed Order. See attached order for details. Signed by Judge Trevor N. McFadden on 07/17/2018. (lctnm3) (Entered: 07/17/2018)
07/17/2018		Set/Reset Deadlines: Defendants' motion for summary judgment due by 9/17/2018. Plaintiff's opposition to Defendants' motion for summary judgment and cross-motion due by 10/17/2018. Defendants' opposition to Plaintiff's cross-motion and reply in support of their motion for summary judgment due by 10/31/2018. Plaintiff's reply in support of its cross-motion due by 11/13/2018. (hmc) (Entered: 07/17/2018)
09/11/2018	<u>19</u>	Joint MOTION for Extension of Time to File <i>Summary Judgment Briefs</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Hendry, Melanie) (Entered: 09/11/2018)
09/11/2018		MINUTE ORDER: Upon consideration of the parties' <u>19</u> Joint Motion to Amend Briefing Schedule, it is hereby ORDERED that: (1) Defendants' Motion for Summary Judgment shall be filed on or before November 1, 2018; (2) Plaintiff's opposition to Defendants' motion and Plaintiff's Cross-Motion for Summary Judgment shall be filed on or before December 3, 2018; (3) Defendants' opposition to Plaintiff's cross-motion and Defendants' reply in support of their motion shall be filed on or before December 19, 2018; and (4) Plaintiff's reply shall be filed on or before January 16, 2019. Signed by Judge Trevor N. McFadden on 9/11/2018. (lctnm3) (Entered: 09/11/2018)
09/12/2018		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 11/1/2018. Plaintiff's opposition Defendants' Motion for Summary Judgment and Cross-Motion due by 12/3/2018. Defendants' reply in support of their Motion for Summary Judgment and opposition to Plaintiff's Cross-Motion due by 12/19/2018. Plaintiff's reply in support of its Cross-Motion due by 1/16/2019. (hmc) (Entered: 09/12/2018)
09/18/2018	<u>20</u>	NOTICE of Appearance by Margaret E. Robinson on behalf of HUMANE SOCIETY OF THE UNITED STATES (Robinson, Margaret) (Entered: 09/18/2018)
10/24/2018	<u>21</u>	AMENDED COMPLAINT against All Defendants filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Exhibit redline comparison of the original and amended complaint)(Brandt, Peter) (Entered: 10/24/2018)
10/24/2018	<u>22</u>	NOTICE of Filing of First Amended Complaint by HUMANE SOCIETY OF THE UNITED STATES re <u>21</u> Amended Complaint (Robinson, Margaret) (Entered: 10/24/2018)
10/29/2018	<u>23</u>	Joint MOTION to Modify <i>the Briefing Schedule re Summary Judgment Motion</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Hendry, Melanie) Modified event title on 10/30/2018 (znmw).

		(Entered: 10/29/2018)
10/30/2018		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Motion to Amend Briefing Schedule, it is hereby ORDERED that (1) Defendants' motion for summary judgment shall be filed on or before December 11, 2018; (2) Plaintiff's opposition and any cross-motion shall be filed on or before January 11, 2019; (3) Defendants' reply and opposition to any cross-motion shall be filed on or before January 25, 2019; and (4) Plaintiff's reply shall be filed on or before February 8, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/30/2018. (lctnm3) (Entered: 10/30/2018)
10/30/2018		Set/Reset Deadlines: Defendants' motion for summary judgment due by 12/11/2018. Plaintiff's opposition to Defendants' motion for summary judgment and cross-motion due by 1/11/2019. Defendants' reply and opposition to any cross-motion due by 1/25/2019. Plaintiff's reply in support of its cross-motion due by 2/8/2019. (hmc) (Entered: 10/30/2018)
11/07/2018	<u>24</u>	ANSWER to <u>21</u> Amended Complaint by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE.(Hendry, Melanie) (Entered: 11/07/2018)
12/11/2018	<u>25</u>	MOTION for Summary Judgment ( <i>Partial</i> ) by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Declaration of Barbara McLean)(Hendry, Melanie) (Entered: 12/11/2018)